

Notice of Allowability

Application No.

09/459,187

Examiner

Michael J. Simitoski

Applicant(s)

PEYRAVIAN ET AL.

Art Unit

2134

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief of 3/14/05.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☒ The drawings filed on 05 May 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance:

The examiner makes the following findings of fact:

1. Haber et al. (5,136,647) shows a method for time stamping a document (title).
2. In performing this method, Haber shows receiving identifying data (MD4 hash of the document) associated with said document (document hashed at step 12) at an outside agency (col. 6 lines 9-15).
3. Haber maintains a standard 32 bit representation of computer time. (Col. 6 line 19-20).
4. One of ordinary skill in the art understands that this refers to a number of seconds since a fixed reference time. In UNIX, for example, the 32 bit representation is the number of seconds elapsed since January 1, 1970. (Tanenbaum, P. 155, Paragraph 2). This 32 bit representation is an elapsed time, in seconds, since a fixed reference time. In the context of Haber et al., since the timestamp is the time of receipt of the hashed document, the 32 bit representation is a representation of the time difference (elapsed time) between a predetermined time (1/1/1970) and the time of receipt of the identifying data.
5. This 32 bit representation is computed only in the sense that it is done/performed on a computer. It is incremented each second, but is not calculated by subtracting the current time from a fixed time.

6. The receiving agency creates a time stamp receipt (col. 6 lines 16-24) by associating time data with the identifying data (the hash of the document).

7. The receiving agency certifies the time stamp receipt by signing (col. 7 lines 1-5) the time stamp receipt at the outside agency with a private signature key.

Applicant argues in the appeal brief at page 4, last line, that Haber et al. does not compute the difference between two different values (fixed reference time and current time). Applicant also argues, on page 3, last three lines, "These two times are completely different time values, and thus, Claim 1 requires computing the time difference as a delta between two completely different time values." In the specification, at page 7, the deltaT is computed from the Tref recorded in the public key certificate (presumably this is the association with the predetermined reference time) and the current time T.

These arguments are persuasive. In light of this argument, the limitation "computing... a difference between a predetermined time reference and the time of receipt" is construed to mean that a mathematical operation, such as subtraction, is performed with inputs including a value of the predetermined time reference and a value of the time of receipt to compute a delta between the two values. More is required than that the computer holds a number which represents the time difference between a fixed reference time and the current (i.e. receipt) time.

In light of this construction of the claim as stated in applicant's Appeal Brief, the 32-bit representation is not calculated through "computing a time difference between a predetermined time reference and the time of receipt of said identifying data"; it is a preexisting time elapsed since the predetermined time reference. Thus, Haber et al. does not perform a computation with the predetermined time reference and the time of receipt to determine the difference (as, for instance, by subtracting the two); it merely reports a difference that has been maintained on the computer.

Edwards et al., U.S. patent 6,530,047, shows a system at Col. 27 with either absolute timestamps or timestamps that are relative to a last reference message. While this shows a time difference from a reference time used as a part of a timestamp, it is used for debugging inside a computer and does not relate to secure identification of timestamped documents. It also does not show the association of the reference time with a key.

Sites, U.S. patent 6,728,880 shows the use of a time difference in a secure message at col. 2 line 42+; however, this time difference is ultimately for validating the local clock of a computer.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Application/Control Number: 09/459,187

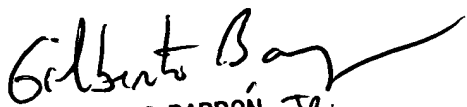
Page 5

Art Unit: 2134

Any inquiry concerning this communication should be directed to Gregory A.

Morse at telephone number 571-272-3838.

MORSE/gam


GILBERTO BARRÓN JR.
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100